

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing and the following remarks is respectfully requested.

Claims 1-4 and 6-16 remain pending in the application. Claim 5 has been cancelled.

Claim 5 is rejected 35 USC 112, second paragraph. In response, claim 5 has been cancelled and accordingly this rejection should be withdrawn.

Claims 1, 2, 4, 5, 6, 10, 13 and 14 are rejected under 35 USC 102(e) as being anticipated by Schiffmann (6,292,759). Applicant respectfully traverses this rejection.

Claim 1 requires in step c): "determining role of the vehicle based upon said vertical acceleration information and longitudinal accelerations information and said heading information to propagate the previous position to the current position in the vehicle navigation system." Schiffmann is directed to rollover sensing using an estimation of the attitude angle of the vehicle. Determining a roller over angle is completely different then propagating the previous position to the current position in the vehicle navigation system. The Examiner contends that "using pitch to propagate a previous position to a current position is inherently included in the estimated roll and pitch." Yet, Schiffmann does not even include a GPS system or any other vehicle navigation system. The Examiner is respectfully requested to provide a reference showing all of the features of claim 1. Anticipation requires that the reference disclose all of the claimed features and limitations. Applicant respectfully submits that it is not inherent to propagate the previous position to the current position as recited in steps c). Independent claims 10 and 13 recite similar limitations. Accordingly, the anticipation rejection of claims 1 and 10 should be withdrawn. The remaining dependent claims are allowable with respect to the independent claims from which they depend as well as on own their own merits.

Claims 3, 8, 9 and 12 are rejected 35 USC 103(a) as being unpatentable over Schiffmann (6,292,759) in view of Sheikh et al. (6,088,653). Applicant respectfully traverses this rejection.

Sheikh et al. does not overcome the deficiencies discussed above with respect to Schiffmann. Further, claims 3, 8, 9 and 12 recite additional, important limitations and should be allowable for the reasons discussed above with respect to claim 1 as well as on their own merits.

Claims 7, 15 and 16 are rejected under 35 USC 103(a) as being unpatentable over Schiffmann (6,292,759). Applicant respectfully traverses this rejection. Claims 7, 15 and 16 recite additional, important limitations, and should be allowable for the reasons discussed above

with respect to claim 1 as well as on their own merits.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

A handwritten signature in black ink, reading "Kenneth M. Berner". The signature is written in a cursive, flowing style.

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